

Federal Communications Commission

DA 03-1147

Before the
Federal Communications Commission
Washington, D.C. 20554

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|--|---|---------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.622(b), |) | MB Docket No. 02-90 |
| Table of Allotments, |) | RM-10409 |
| Digital Television Broadcast Stations. |) | |
| (Odessa, Texas) |) | |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 14, 2003

Released: April 23, 2003

By the Chief, Video Division:

1. At the request of Midessa Television Company ("Midessa"), the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 7954 (2002), proposing the substitution of DTV channel 13 for station KWES-TV's assigned DTV channel 15. Midessa filed comments.¹ No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 13 for DTV channel 15 since it would permit station KWES to collocate its digital and analog facilities. DTV channel 13 can be allotted to Odessa, Texas, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 31-59-17 N. and 102-52-41 W. Since the community of Odessa is located within 275 kilometers of the U.S.-Mexican border, concurrence from the Mexican government has been obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KWES-DT with the following specifications:

| <u>State & City</u> | <u>DTV Channel</u> | <u>DTV power (kW)</u> | <u>Antenna HAAT (m)</u> | <u>DTV Service Pop. (thous.)</u> |
|-------------------------|------------------------|---------------------------|-----------------------------|--------------------------------------|
| TX Odessa | 13 | 25.1 | 397 | 337 |

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 9, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹ In its petition, Midessa stated that adoption of its channel substitution proposal would permit station KWES to use its existing tower for its analog and digital operations. Midessa also claimed that operating on a VHF channel would reduce its construction and operation costs.

| <u>City</u> | <u>Channel No.</u> |
|---------------|-------------------------|
| Odessa, Texas | 13, *22, 23, 31, 43c |

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Midessa Television Company shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 13 in lieu of DTV Channel 15 for station KWES-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau